

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARVELL LAVY,

Plaintiff,

v.

DENIS R. McDONOUGH,

Defendant.

No. 2:21-cv-01590 KJM AC PS

FINDINGS AND RECOMMENDATIONS

Plaintiff is proceeding in this action pro se. The action was accordingly referred to the undersigned for pretrial matters by E.D. Cal. R. ("Local Rule") 302(c)(21). An initial scheduling conference is set in this case for October 19, 2022 at 10:00 A.M. via Zoom. ECF No. 19. As explained in the civil case documents that issued when the case was opened (ECF No. 3), the parties were each required to submit a status report or a joint status report at least 14 days in advance of the scheduling conference. ECF No. 3 at 2. Defendant timely filed a status report (ECF No. 23); plaintiff did not.


Concerned that plaintiff had abandoned this case, the court issued an order to file a status report by October 26, 2022. ECF No. 26. Plaintiff was cautioned that failure respond could lead to a recommendation that the action be dismissed. Plaintiff again did not respond. Plaintiff has not responded to the court's orders, nor taken any action to prosecute this case.

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1 Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed, without
2 prejudice, for lack of prosecution and for failure to comply with the court's order. See Fed. R.
3 Civ. P. 41(b); Local Rule 110.

4 These findings and recommendations are submitted to the United States District Judge
5 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one
6 (21) days after being served with these findings and recommendations, plaintiff may file written
7 objections with the court. Such document should be captioned "Objections to Magistrate Judge's
8 Findings and Recommendations." Local Rule 304(d). Plaintiff is advised that failure to file
9 objections within the specified time may waive the right to appeal the District Court's order.
10 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

11 DATED: October 27, 2022

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13 ALLISON CLAIRE
14 UNITED STATES MAGISTRATE JUDGE
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